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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,074

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Carsten Heuer

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01/25/2008

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EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2164

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,074

Applicant(s)

HEUER ET AL.

Examiner

Sam Rimell

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotas et al. (U.S. Pre-Grant Publication 2003/0204449) in view of Lerner et al. (U.S. Patent 6,859,909).

Claim 1: FIG. 1A of Kotas et al. illustrates a user interface having several different user controls. One such control is the rectangular "Search" box in the upper left corner of the interface. As seen by comparing FIGS. 1A with FIG. 3B, the search presents a menu (i.e. a plurality) of predetermined search query options, such as "Music" or "Camera and Photo". Each of FIGS. 1A through 4C illustrate various visual configurations associated with the predetermined queries.

User input controls the menu selection in the "Search" box. For example, in FIG. 1A, the user has selected "Music" as the search input from the menu of options available.

Pressing the "Go" button in the "Search" box executes a query on the data repository (544) shown in FIG. 5A.

The resulting pre-determined visual configurations (i.e. the search results) appear in FIGS. 1A through 4C.

Kotas et al. differs in that it does not disclose a pre-determined visual configuration displayed in the control (the "Search" box). However, FIG. 16 of Lerner et al. discloses a search

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screen which is analogous to the "Search" box of Kotas. Included within the upper left corner of this search screen is a "View" menu allowing a selection of views for the search results.

It would have been obvious to one of ordinary skill in the art to modify the "Search" box of Kotas to include a menu of selectable views for the search results so as to provide a user a greater choice of output options as well provide the user an emulation of an online notebook (col. 1, line 35 of Lerner et al) as taught by Lerner et al.

Note: Specific figure and text references for the discussion of claims 2-10 and 15-23 derive from the Kotas et al. reference.

Claim 2: FIGS. 1A and 1B have a common pre-determined query "Music" but different visual configurations of the user interface.

Claim 3: In FIG. 1A, the "Search" box permits a user to specify a common predetermined query, such as "Music", but below this selection is a blank field where the user can further define the query. Accordingly, when the user specifies the common predetermined query of "Music", different search results can be produced by further defining the query. These results will have different visual configurations, such as different photos of Audio CDs.

Claim 4: The "key figures" can be any information associated with product, such as the title of a work, price, availability and photo of the product. This data is stored in the data repository (544). Search queries using the "Search" box produce the key figures of title, price, availability and photo, as seen in FIG. 1A.

Claim 5: As seen in repository (544), the product information can be organized according to plural characteristics (Product IDs, Marketplace Listings, Pre-Order Listings). When a query is executed, the resulting key figure data presented can be organized as either a

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pre-order listing, as shown in FIG. 2, or a marketplace listing ready for immediate sale, as shown in FIG. 1A.

Claim 6: When a product query is executed, at least two key figures are presented in the search results, such as title of the work and price.

Claim 7: The results of all queries, such as displayed books or CDs derive from data in the data repository. The pre-determined query will specify specific results (such as a specific book title) which is then retrieved from the repository and displayed to the user.

Claim 8: All search options derive from user input. For example, the “Search” box shown in FIG. 1A does not appear until the user enters the website address in the address field. The search options are presented in response to the user entering the correct website address in the address field.

Claim 9: Within the “Search” box in FIG. 1A, either the selection “Music” or the text manually entered to further refine the search (in the field below “Music”) will be user defined.

Claim 10: In FIG. 1A, the user can select the pre-defined search option of “Music” by taking the single action of selecting “Music” from the drop down menu having “Music” as one of the options. It is also noted that any clicking action on any icon in FIG. 1A constitutes a single action user input.

Claim 15: See remarks for claim 1. Each of the pre-defined queries (“Music” or “Camera & Photo” in FIGS. 1A or 3B) is a drill down query since it will produce search results with drill down options. Any clickable icon in the search results are the drill down options. For example, the clickable option “7 Used” at (135) in FIG. 1A is a drill down option.

Claim 16: Any clickable icon in any of the FIGS. 1A through 4C is a drill down option since it further refines the displayed search results.

Claim 17: In FIG. 1A, the “Search” box includes a drop down menu (indicated by the downwardly pointing arrow) which shows the “Music” menu option as selected.

Claim 18: See remarks for claim 1.

Claim 19: In FIG. 1A, the “Search” box includes a drop down menu of options and an additional blank field (adjacent to the “Go” button) for further refining the search. The user defined search option is thus the refining information which the user enters into the blank field to retrieve a specific title. The plurality of search options are the drop down menu of options, such as “Music”.

Claim 20: The data repository is repository (544) in FIG. 5A and the instructions for managing are defined by the inventory management system (535).

Claim 21: See remarks for claim 1. Note that the “associated visual configuration” is the visual configuration of the search results which are associated with a particular search query.

Claim 22: In Kotas, the user can change the search options by selecting a different search term in the menu of available search query terms. All other recitations in claim 22 are optionally recited due to the “or” in the second line of the claim.

Claim 23: In Kotas, the user can change the search options by selecting a different search term in the menu of available search query terms. The available menu of search terms correspond to the “drill down options”. All other recitations in claim 22 are optionally recited due to the “or” in the second line of the claim.

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Remarks

Applicant's arguments are moot in light of the new grounds of rejection. This office action follows the filing of an RCE request and is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.

A handwritten signature in black ink, appearing to read 'SRimell', is positioned above the printed name and title.

Sam Rimell
Primary Examiner
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